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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,625	03/25/2004	Boris Kalinichenko	08575-103001	7474

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EXAMINER

SIKRI, ANISH

ART UNIT	PAPER NUMBER
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2143

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06/23/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/809,625	Applicant(s) KALINICHENKO ET AL.	
	Examiner ANISH SIKRI	Art Unit 2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-32 are rejected under 35 U.S.C 103(a) as being unpatentable over Nowitz et al (US Pat 7,308,464), in view of Hu (2003/0182408).

Consider **Claim 1**, Nowitz et al disclosed a method for validating wireless content comprising: performing a first web crawling process to retrieve a first set of content files from a web site (Nowitz et al, Col 6 Lines 3-15, Nowitz disclosed on how data is harvested from a website), the first web crawling process including identifying a link in a first content file of the first set (Nowitz et al, Col 6 Lines 3-15), and following the link to a second content file of the first set (Nowitz et al, Col 6 Lines 34-67, Nowitz disclosed that the website can be structured and have different levels or organization), the second content file including content based on the first content file (Nowitz et al, Col 6 Lines 34-67);

But Nowitz et al does not explicitly state analyzing the first set of content files for errors by emulating a first category of devices.

Nonetheless, Hu disclosed analyzing the first set of content files for errors by emulating a first category of devices (Hu, [0017], [0021], Hu disclosed on how mobile devices are emulated for testing of data content).

Both Nowitz et al and Hu provide features related to content management of data in the network with their various devices/nodes/clients etc. Therefore one of ordinary skill in the art would have been motivated to combine the teachings since both are within the same environment.

Therefore, it would have been obvious to a person skilled in the art at the time of the invention was made to incorporate the use of emulation of mobile/wireless devices for content data testing, taught by Hu, in the system of Nowitz et al for the purpose of efficient data content management.

Also, Nowitz et al does not explicitly state the use of generating a log file including navigation history and error information.

Nonetheless, Hu disclosed the use of generating a log file including navigation history and error information (Hu, [0032]-[0033] disclosed on how the content analyzers generate log files along with their histories and error information).

Both Nowitz et al and Hu provide features related to content management of data in the network with their various devices/nodes/clients etc. Therefore one of ordinary skill in the art would have been motivated to combine the teachings since both are within the same environment.

Therefore, it would have been obvious to a person skilled in the art at the time of the invention was made to incorporate the use of log creation, taught by Hu, in the

system of Nowitz et al, for the purpose of efficient data content management with the aid of log information.

Consider Claim 2, has similar limitations as Claim 1, therefore it is rejected under the same rational as Claim 1.

Consider Claim 3, Nowitz et al, in view of Hu discloses the method of claim 2, wherein, Hu discloses wherein the analyzing content comprises: identifying a first list of language elements (Nowitz et al, Col 4 Lines 37-40, Nowitz disclosed the use of markup languages) that are supported by the first category of wireless devices (Hu [0017], [0021], Hu disclosed on how mobile devices are emulated for testing of data content); and performing a syntax check of the first set of content files using the elements (Nowitz et al, Col 6 Lines 3-15).

Consider Claim 4, has similar limitations as Claim 3, therefore it is rejected under the same rational as Claim 3.

Consider Claim 5, has similar limitations as Claim 1, therefore it is rejected under the same rational as Claim 1.

Consider Claim 6, has similar limitations as Claim 1, therefore it is rejected under the same rational as Claim 1.

Consider Claim 7, has similar limitations as Claim 1, therefore it is rejected under the same rational as Claim 1.

Consider Claim 8, has similar limitations as Claim 1, therefore it is rejected under the same rational as Claim 1.

Consider Claim 9, has similar limitations as Claim 3, therefore it is rejected under the same rational as Claim 3.

Consider Claim 10, has similar limitations as Claim 3, therefore it is rejected under the same rational as Claim 3.

Consider Claim 11 has similar limitations as Claim 1, therefore it is rejected under the same rational as Claim 1.

Consider Claim 12, has similar limitations as Claim 1, therefore it is rejected under the same rational as Claim 1.

Consider Claim 13, Nowitz et al, in view of Hu disclosed the method of claim 1, wherein the navigation history identifies an order in which the first set of content files are retrieved (Nowitz et al, Col 9 Lines 65-67, Col 10 Lines 1-15, Nowitz et al disclosed on how the agent captures the data from the web)

Consider Claim 14, Nowitz et al, in view of Hu disclosed the method of claim 1, further comprising: receiving a seed URL that defines a starting point for the first web crawling process (Nowitz et al, Col 6 Lines 3-15, Nowitz et al disclosed on how the system coordinates the crawling process).

Consider Claim 15, Nowitz et al, in view of Hu disclosed the method of claim 1, further comprising wherein, Nowitz-Hu disclosed providing a test configuration file including user data (Hu, [0009]-[0010], Hu disclosed the use of a configuration file); and for each retrieved content file (Hu, [0026], [0036], Hu disclosed the use of message files, which aid in the testing) , determining whether the content file has input data fields, and if so, entering the user data in the input data fields and sending the user data to the web site (Hu, [0040], Hu disclosed plethora of testing, which can involve making the user connect to servers etc).

Consider Claim 16, Nowitz et al, in view of Hu disclosed the method of claim 15, wherein Hu discloses providing the test configuration file (Hu, [0009]-[0010], Hu disclosed the use of a configuration file) comprises: fields; receiving input from a user entering user data into the one or more input data fields (Hu, [0040], Hu disclosed plethora of testing, which can involve making the user connect to servers etc); and generating the test configuration file based on the user input (Hu, [0040], Hu disclosed plethora of testing, which can involve making the user connect to servers etc).

But Nowitz et al, in view of Hu does not explicitly state displaying a blank form on a screen of a computing device, the blank form having one or more input data.

But it would be obvious to an ordinary person skilled in the art to relate that Hu emulates mobile clients, and how they process data in the network, involving users. As testing is done in emulation mode (See Claim 1 above), it would be obvious that screen of mobile device will be emulated as the whole device is emulated for testing purposes.

Consider Claim 17, Nowitz et al, in view of Hu discloses the method of claim 16, wherein the user data includes one or more variable values that are used to create a dynamic URL (Nowitz et al, Col 6 Lines 3-15, Nowitz disclosed that seeds can represents url or links or content in the system).

Consider Claim 18, has similar limitations as Claim 17, therefore it is rejected under the same rational as Claim 17.

Claim 19, has similar limitations as to claim 1; therefore, it is rejected under the same rational as to claim 1.

Claim 20, has similar limitations as to claim 2; therefore, it is rejected under the same rational as to claim 2.

Claim 21, has similar limitations as to claim 7; therefore, it is rejected under the same rational as to claim 7.

Claim 22, has similar limitations as to claim 8; therefore, it is rejected under the same rational as to claim 8.

Claim 23, has similar limitations as to claim 15; therefore, it is rejected under the same rational as to claim 15.

Claim 24, has similar limitations as to claim 16; therefore, it is rejected under the same rational as to claim 16.

Claim 25, has similar limitations as to claim 1; therefore, it is rejected under the same rational as to claim 1.

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Claim 26, has similar limitations as to claim 2; therefore, it is rejected under the same rational as to claim 2.

Claim 27, has similar limitations as to claim 15; therefore, it is rejected under the same rational as to claim 1.

Claim 28, has similar limitations as to claim 16; therefore, it is rejected under the same rational as to claim 16.

Claim 29, has similar limitations as to claim 1; therefore, it is rejected under the same rational as to claim 1.

Claim 30, has similar limitations as to claim 2; therefore, it is rejected under the same rational as to claim 2.

Claim 31, has similar limitations as to claim 15; therefore, it is rejected under the same rational as to claim 15.

Claim 32, has similar limitations as to claim 16; therefore, it is rejected under the same rational as to claim 16.

Response to Arguments

Applicant's arguments with respect to claims 1-32 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANISH SIKRI whose telephone number is 5712701783. The examiner can normally be reached on 8am - 5pm Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Anish Sikri/
Examiner, Art Unit 2143

June 20, 2008

/Nathan J. Flynn/
Supervisory Patent Examiner, Art Unit 2154